

Serial No.: 10/672,902

Attorney Docket No.: 2003P08213US

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**REMARKS**

Upon entry of the instant Amendment, Claims 1-18 are pending. Claims 1 and 7 have been amended to more particularly point out Applicants' invention.

Claims 1-3, 7-9, and 14-15 have been rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,643,516 ("Stewart") in view of Shamato, et al., U.S. Patent Publication No. 2003/0045304 A1 ("Shamato"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Stewart or Shamato, either singly or in combination.

As discussed in the Specification, and in response to the previous Official Action, the present invention relates to a presence and location system, including one or more remote devices and servers. In certain embodiments of the present invention, either or both of the remote units and the server(s) may be provided with a watchdog timer to allow for confirmation the remote units are still running. The watchdog timer(s) activate or begin their count when a device is detected as being present or registers with the server. Position information may be sent upon expiration of the timer.

Thus, claim 1 has been amended to recite "wherein said positioning server includes a timer for determining when said position information is to be received from associated ones of said plurality of network clients responsive to receiving indicia of a presence of said associated ones such that said position information is received responsive to expiration of the timer wherein the timer is configured to activate upon registration of said associated ones;" claim 7 has been amended to recite "a wireless data controller adapted to receive said positioning information from said positioning controller and cause said positioning information to be transmitted to an associated server at predetermined intervals responsive to an activation with the associated server and upon expiration of a watchdog timer that begins a count upon said activation;" and claim 14 recites "said timer being activated responsive to a registration of said

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associated ones with said server wherein said position updates are to be received upon expiration of the timer."

In contrast, Stewart provides a system in which a calling party transmits a location request code when calling a remote party. The called remote party can then respond with its location and periodic updates. However, a timer does not activate until the called party makes the request. Thus, and as acknowledged in the Official Action, Stewart does not relate to a watchdog timer being activated responsive to a registration of a remote party to a server, as generally recited in the claims at issue.

Instead, Shamato is relied on for allegedly providing such teaching. As noted above, in the present invention, as generally recited in the claims at issue, a timer is started when a presence or registration is detected, and an update is sent on expiration of the timer. However, in Shamato, a timer is started responsive to a user input or request for a position check (see para [0024]) when a position check using GPS is supposed to begin; if the timer expires without GPS signals being received, the system "operates on a CDMA transceiver to search for CDMA base stations." Thus, the activation of the timer in Shamato has nothing to do with when a presence or registration are detected. Because neither reference relates to a timer as recited in the claims at issue, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 4-6 and 16-18 have been rejected under 35 U.S.C. 103 as being unpatentable over Stewart in view of Shamato and Verdonk, U.S. Patent No. 6,330,454 ("Verdonk"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Stewart, Shamato or Verdonk, either singly or in combination.

Stewart and Shamato have been discussed above. Verdonk is relied upon for allegedly teaching a server querying a device for location. However, like Stewart and Shamato, Verdonk does not provide for activating a timer upon device registration with a server or for determining when position information is to be received. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

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Claim 10 has been rejected under 35 U.S.C. 103 as being unpatentable over Stewart in view of Shamato and McDowell, U.S. Patent Application No. 2002/0035605 ("McDowell"). Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Stewart, Shamato, or McDowell, either singly or in combination. As discussed above, in certain embodiments of the present invention, either or both of the remote units and the server(s) may be provided with a watchdog timer to allow for confirmation the remote units are still running. The timer determines when location information is to be received. The watchdog timer(s) activate or begin their count when a device is detected as being present or registers with the server. Position information may be transmitted upon expiration of the timer.

Thus, claim 10 recites "wherein said location control unit includes a timer for determining when said location information is to be received from associated ones of said plurality of users, said timer being activated responsive to a registration of said associated ones with said telecommunications server such that said location information is received upon expiration of the timer."

Stewart and Shamato have been discussed above. McDowell is relied on for allegedly teaching a presence control unit or location control unit. However, like Stewart and Shamato, McDowell does not provide for a timer being activated responsive to a registration of said associated ones with said telecommunications server or for determining when location information is to be received. In McDowell, when a user requests "location-sensitive information" (para. 0083), location information is obtained. However, a location timer is nowhere activated responsive to device registration. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

Claims 11-13 have been rejected under 35 U.S.C. 103 as being unpatentable over Stewart, McDowell, Shamato, and Verdonk. Each of these has been discussed above. For reasons similar to those discussed, Applicants respectfully submit that

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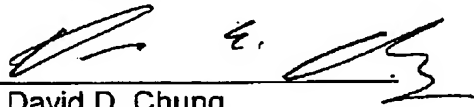
these claims, too, are not obvious. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

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Respectfully submitted,

SIEMENS CORPORATION  
Customer Number: 28524  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, New Jersey 08830  
ATTENTION: Elsa Keller, IP Department  
Telephone: (732) 321-3026

By:   
David D. Chung  
Registration No. 38,409  
Attorney for Applicants  
Tel: 408-492-5336  
Fax: 408-492-3122